HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.7570 of 2006

Date: 21-04-2006

-

Between:

Jayaseela

…. Petitioner

and

Anantapur District Central Cooperative Bank,

Rep.by its General Manager,

Anantapur and others.

…Respondents.

HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.7570 of 2006

ORDER :

The petitioner is in possession and enjoyment of the land in Sy.No.567-2 to an extent of Ac.1-90 cents and part of the land in S.No.575-1 situated at Kodur Village, Chilamathur Mandal, Anantapur District. The said lands were notified for sale in open auction for due recovery of the amount in E.P.No.744/2005-2006, which were assigned to Mrs. Hussain Bee, w/o. Mahaboob Peera, who availed the loan from the fourth respondent society. Therefore, the petitioner alleged to have issued legal notice on
24-3-2006 to the respondents to inform the auction particulars and the date of auction, which was to be held on 10-3-2006 and since there was no reply from the respondents, questioning the auction notice and apprehending that the respondents may negotiate for the sale of the property in her possession, the petitioner filed the present writ petition seeking to declare the action of the respondents in trying to conduct the auction secretly as being arbitrary and illegal and put the petitioner on notice before conducting of auction and permit her to participate in the auction.

Heard learned counsel for the petitioner and the writ petition is being disposed of at the admission stage.

When once the properties were attached for due execution of the decree in E.P. under Rule 52 of the A.P.Cooperative Societies Rules, 1964, the petitioner has to avail the remedy by making a claim/objection with regard to the properties which were sought to be sold in public auction. On making such claim, the Sale Officer only can adjudicate the same and take further action.

Under the above circumstances, the petitioner is at liberty to put forth his claim before the third respondent – Sale Officer and the Sale Officer is directed to consider the objections, if any, before proceeding with the sale of the properties that were attached under the E.P.

The writ petition is accordingly dismissed with the above observations.

A. GOPAL REDDY,J)

21-4-2006.

Msr.

HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.7570 of 2006

21-04-2006

(Msr)